

**UNITED STATES DEPARTMENT OF COMMERCE****United States Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

09/215,095 12/18/98 BECKER

N GC507-2

EXAMINER

HM12/1015

KIRSTEN A ANDERSON  
GENENCOR INTERNATIONAL INC  
925 PAGE MILL ROAD  
PALO ALTO CA 94304-1013

BORIN, M

ART UNIT

PAPER NUMBER

1631

DATE MAILED:

10/15/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

# Office Action Summary

Application No.  
09/215,095

Applicant(s)  
Becker et al

Examiner  
Michael Borin

Art Unit  
1631



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Aug 2, 2001
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 66-88 is/are pending in the application.
- 4a) Of the above, claim(s) 70, 71, and 77 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 66-69, 72-76, and 78-88 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some\* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 26
- 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: \_\_\_\_\_

Art Unit: 1631

## DETAILED ACTION

### *Continued examination under 37 CFR 1.114 after final rejection*

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/2/01 has been entered.

### *Status of claims*

2. Claims 66, 83 are amended. In addition, a minor grammatical correction of claim 85 is made in the amendment after-final filed 5/1/0/01. Claims 66-69, 72-76, 78-88 are under examination. Claims 70, 71, 77 remain withdrawn from consideration as drawn to non-elected species.

3. Claims 66,83 are amended to replace language "protein matrix surrounding the seed particle" with "protein matrix layered over the seed particle". It is obvious, however, that these two phrases are virtually equivalent, as it is apparent that protein matrix can be positioned only around (or over) the seed, as opposed to placing it "into" the seed. Consequently, the rejections of record are maintained for the reasons set forth in Office action mailed 3/5/01 (paper #17). Applicant's arguments presented in response to said Office action were addressed in Advisory action mailed

Art Unit: 1631

6/12/01 (paper # 22). No further arguments have been offered. The rejections on record are the following:

4. Claims 66-69, 72,74,78,79,82-86 remain rejected under 35 U.S.C. 102(b) as anticipated by Kiesser et al. (US Patent 5,739,091)
5. Claims 75,76,80,81,87,88 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Kiesser et al. (US Patent 5,739,091).
6. Claims 66-69,72-74,76, 78-86 remain rejected under 35 U.S.C. 103(a) as obvious over Scott (EP 272923).
7. Claims 66-69, 72-76, 78-88 remain rejected under 35 U.S.C.103(a) as obvious over Martussen (EP 304332).

***Prior art made of record***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

US 4106991 teaches use of cellulose (polysaccharide) as structuring agent in preparation of enzyme granules.

Art Unit: 1631

US patents 4689297, 5324649, and WO 97/12958, WO 9932595 describe use of various core particles as seeds in forming enzyme granules.

9. This is an RCE of Application No. 09/215095. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Borin whose telephone number is (703) 305-4506. Dr. Borin can normally be reached between the hours of 8:30 A.M. to 5:00 P.M. EST Monday to Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Michael

Serial Number: 09/215095

Page 5

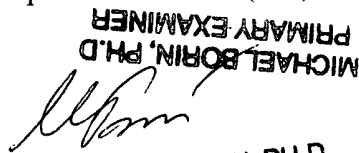
Art Unit: 1631

Woodward, can be reached on (703) 308-4028. The fax telephone number for this group is (703) 305-3014.

Any inquiry of a general nature or relating the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0196.

October 10, 2001

mlb

  
MICHAEL BORIN, PH.D.  
PRIMARY EXAMINER